

CS FOR HOUSE BILL NO. 251(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/28/24

Referred: Resources

Sponsor(s): REPRESENTATIVES RAUSCHER, Wright, Armstrong, Mears, Vance, Tomaszewski, Josephson

A BILL

FOR AN ACT ENTITLED

1 **"An Act exempting certain foods and drinks prepared in an uninspected kitchen from**
2 **state labeling, licensing, packaging, permitting, and inspection requirements; and**
3 **permitting a person to acquire meat from a producer by way of an ownership share in**
4 **an animal if certain conditions are met."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 17.20 is amended by adding new sections to read:

7 **Article 7A. Homemade Food; Animal Shares.**

8 **Sec. 17.20.332. Exemption for homemade food.** (a) Except as otherwise
9 provided in AS 17.20.332 - 17.20.338, a homemade food produced, sold, and
10 consumed in compliance with this section is exempt from state labeling, licensing,
11 packaging, permitting, and inspection requirements.

12 (b) The sale of a homemade food under this section

13 (1) is only for personal consumption;

14 (2) must occur in the state at a farmers' market, an agricultural fair, a

1 farm, a ranch, the producer's home or office, the retail location of a third-party seller,
2 or a location agreed on between the producer and the buyer; and

3 (3) may not involve

4 (A) interstate commerce; or

5 (B) the purchase or sale of

6 (i) meat or meat products;

7 (ii) seafood;

8 (iii) a controlled substance;

9 (iv) oil rendered from animal fat; or

10 (v) game meat.

11 (c) Except for raw, unprocessed fruits and vegetables, a homemade food may
12 not be sold or used in a commercial food establishment.

13 (d) A homemade food may be sold from a retail space located at a ranch, farm,
14 or home where the homemade food is produced or at a retail location of a third-party
15 seller. A retail space selling a homemade food shall prominently display a sign
16 indicating that the homemade food was made in a home kitchen, may contain
17 allergens, and is not regulated or inspected. A homemade food for sale at a retail
18 location or grocery store may not be displayed or offered for sale on the same shelf or
19 display as inspected food. If a retail space selling a potentially hazardous homemade
20 food is in any way associated with a commercial food establishment or offers for sale
21 any inspected food, the retail space shall

22 (1) maintain physical separation from the commercial food
23 establishment with a separate door and separate cash register or point of sale;

24 (2) display signs or other markings clearly indicating which separate
25 spaces offer inspected foods and which offer uninspected foods for sale;

26 (3) maintain separate coolers, freezers, warehouses, or other storage
27 areas to prohibit the intermingling of inspected foods and uninspected foods; and

28 (4) comply with any other requirements specified by the Department of
29 Environmental Conservation relating to homemade food.

30 (e) A homemade food packaged for individual sale must be clearly and
31 prominently labeled with

1 (1) the producer's name, current address, telephone number, and, if
2 applicable, the producer's business license number; and

3 (2) the statement: "This food was made in a home kitchen, is not
4 regulated or inspected, and may contain allergens."

5 (f) The seller of a potentially hazardous homemade food, except eggs, must
6 also be the producer of the homemade food. The seller of eggs or a homemade food
7 that is not a potentially hazardous homemade food may be the producer of the item, an
8 agent of the producer, or a third-party vendor, including a retail shop or grocery store,
9 as long as the sale is made in compliance with this section and all applicable federal
10 and local laws.

11 (g) Before a sale of an unpackaged homemade food under this section, a
12 producer or third-party seller

13 (1) shall inform the buyer that the unpackaged homemade food was
14 prepared in accordance with AS 17.20.332 - 17.20.338 and is not subject to certain
15 state certification, labeling, licensing, packaging, regulation, or inspection
16 requirements; and

17 (2) provide the buyer with the producer's name, current address,
18 telephone number, and, if applicable, the producer's business license number.

19 **Sec. 17.20.334. Animal shares.** (a) A person may acquire meat from a
20 producer by way of an ownership interest in the animal or herd from which the meat
21 originated if

22 (1) the meat is

23 (A) delivered directly from the farm or ranch where the animal
24 or herd subject to the person's ownership interest is located; and

25 (B) received by or on behalf of the person with an ownership
26 interest in the animal from which the meat originated;

27 (2) the person's ownership of the animal or herd is established before
28 slaughter;

29 (3) when providing the meat to a person, the producer includes with
30 the meat, or on a label attached to the packaging of the meat, a clearly visible warning
31 that the meat has not been inspected; and

1 (4) the producer provides the person information describing the health
2 of the animal or herd and the meat processing standards of the producer's farm or
3 ranch.

4 (b) A producer or a person designated by a producer may deliver meat to a
5 person at a farm, ranch, farmers' market, home, office, or other location agreed on
6 between the producer and the person.

7 (c) For a person to have an ownership interest in an animal or herd under this
8 section, the person's ownership interest must be documented in a written contract
9 between the person and a producer that includes

10 (1) a bill of sale demonstrating the person's ownership interest in the
11 animal or herd;

12 (2) a boarding provision under which the person boards the animal or
13 herd with the producer for care and processing; and

14 (3) a provision entitling the person to receive a share of meat from the
15 animal or herd.

16 (d) Meat received by an owner of an animal or herd by way of the person's
17 ownership interest under this section may not be sold, donated, or commercially
18 redistributed.

19 (e) A person may not publish a statement that implies that the Department of
20 Environmental Conservation approves or endorses an animal or herd share program or
21 the acquisition of meat under this section.

22 **Sec. 17.20.336. Exceptions.** Nothing in AS 17.20.332 - 17.20.338

23 (1) prevents the Department of Environmental Conservation from

24 (A) conducting inspections necessary to investigate reports of

25 (i) foodborne illness or food-caused injury or death;

26 (ii) unsafe sanitary practices; or

27 (iii) misbranded or adulterated food;

28 (B) condemning and ordering the destruction of misbranded or
29 adulterated food;

30 (C) regulating food or an establishment that is not exempt
31 under AS 17.20.332 - 17.20.338; or

1 (D) providing assistance, consultation, or inspection at the
2 request of a producer;

3 (2) exempts a person from

4 (A) applicable federal and local laws, regulations, and
5 ordinances regarding food; or

6 (B) brand inspection requirements under AS 03.40.250 or
7 animal inspection requirements under AS 03.05.040.

8 **Sec. 17.20.338. Definitions.** In AS 17.20.332 - 17.20.338,

9 (1) "agricultural fair" means a fair, the major focus of which is
10 displays, exhibitions, demonstrations, contests, or promotions of agricultural concern
11 to the region in which the fair is located;

12 (2) "commercial food establishment" means the premises where an
13 activity related to the display, packaging, preparation, processing, sale, salvaging,
14 service, storage, transportation, or vending of food for human consumption that is not
15 exempt under AS 17.20.332 - 17.20.338 occurs; "commercial food establishment"
16 does not include a kitchen in a private dwelling, or a kitchen in a vessel used solely as
17 a private dwelling, where homemade food is prepared only for personal consumption;

18 (3) "controlled substance" has the meaning given in AS 11.71.900;

19 (4) "farmers' market" means a common facility or area where several
20 vendors may gather on a regular and recurring basis to sell fresh fruits and vegetables,
21 locally grown farm products, and other agricultural products and items directly to
22 buyers;

23 (5) "game meat" means the flesh and organs of animals that are not
24 classified as meat in 9 C.F.R. 301.2 or as poultry in 9 C.F.R. 381.1(b);

25 (6) "homemade food" means a food or drink that is prepared or
26 processed in

27 (A) a producer's private home kitchen; or

28 (B) a private or commercial kitchen leased to a producer;

29 (7) "meat" means the flesh, muscles, organs, tissues, skin, sinew,
30 nerves, blood vessels, and bones of cattle, sheep, swine, equine, or goats;

31 (8) "molluscan shellfish" means all edible species of oyster, clam,

1 mussel, and scallop, whether shucked or in the shell, fresh or frozen, and in whole or
2 in part; "molluscan shellfish" does not include the shucked scallop adductor muscle;

3 (9) "personal consumption" means the use or ingestion of food by a
4 buyer, an employee of the buyer, or a nonpaying guest of the buyer of homemade
5 food;

6 (10) "potentially hazardous homemade food" means food or drink that
7 requires time or temperature control for safety to limit pathogenic microorganism
8 growth or toxin formation;

9 (11) "producer" means a person who grows, harvests, prepares,
10 processes, or makes and packages meat or homemade food on the person's owned or
11 leased property;

12 (12) "seafood" includes saltwater fish, freshwater fish, amphibians,
13 crustaceans, molluscan shellfish, any other species of aquatic animal intended for
14 human consumption, and parts or byproducts of any species of aquatic animal
15 intended for human consumption; "seafood" does not include aquatic plants, birds, or
16 mammals.